

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DARREN B. HAMBY,

Petitioner,

v.

STATE OF TENNESSEE,

Respondent.

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No. 2:21-CV-00120-JRG-CRW

MEMORANDUM OPINION

The Court is in receipt of a pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 in which Petitioner, a prisoner of the Tennessee Department of Correction housed in the Trousdale Turner Correctional Center (“TTCC”), seeks habeas corpus relief from a conviction for aggravated burglary in Cumberland County, Tennessee [Doc. 1 at 1]. For the reasons set forth below, this action will be **TRANSFERRED** to the Northeastern Division of the United States District Court for the Middle District of Tennessee.

As noted above, Petitioner is currently incarcerated in the TTCC, which is located in Trousdale County, Tennessee, which lies within the Nashville Division of the United States District Court for the Middle District of Tennessee. 28 U.S.C. § 123(b)(1). However, his petition challenges a conviction in Cumberland County, Tennessee [*id.*], which lies within the Northeastern Division of the United States District Court for the Middle District of Tennessee. 28 U.S.C. § 123(b)(2). Thus, the Middle District of Tennessee is both the district in which Petitioner is incarcerated and the district where his conviction was entered, and that is where he must file his habeas corpus petition. 28 U.S.C. § 2241(d).

Moreover, Petitioner's place of confinement may change, while the location of the entry of his judgment of conviction will remain constant, and a court may transfer a case to another district "in the interest of justice." 28 U.S.C. § 1406(a). Accordingly, the consistent practice in the Tennessee federal courts is to transfer habeas corpus petitions to the district (and division) in which the convicting court is located. *Anderson v. Mays*, No. 3:18-CV-00550, 2018 WL 9811901, at *2 (M.D. Tenn. Aug. 8, 2018).

For these reasons, the Clerk will be **DIRECTED** to transfer this action to the Northeastern Division of the United States District Court for the Middle District of Tennessee and to close this Court's file.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE